

MISCELLANY

Under this department are ordinarily grouped: News; Medical Economics; Correspondence; Twenty-five Years Ago column; Department of Public Health; California Board of Medical Examiners; and other columns as occasion may warrant. Items for the News column must be furnished by the fifteenth of the preceding month. For Book Reviews, see index on the front cover, under Miscellany.

NEWS

Coming Meetings—

American Federation of Organizations for the Hard of Hearing, San Francisco, June 20-23, 1932. Dr. Austin A. Hayden, Chicago, president.

Medical Library Association, San Francisco, June 20-22, 1932. Miss Marjorie J. Darrach, 645 Mullett Street, Detroit, secretary.

National Tuberculosis Association, Colorado Springs, June 6-9, 1932. Dr. C. J. Hatfield, Seventh and Lombard streets, Philadelphia, secretary.

Pacific Northwest Medical Association, Spokane, Washington, June 27-29, 1932. C. W. Countryman, 280 Paulsen, Medical-Dental Building, Spokane, Washington.

Southern California State Dental Association, Los Angeles, June 13-15, 1932. Charles M. Alderson, 606 Brockman Building, Los Angeles.

Western Branch of the American Urological Association, Portland, Oregon, July 1 and 2, 1932. F. S. Dillingham, 320 Fidelity Building, Los Angeles, secretary.

University of California Medical School.—Promotions have been announced as follows:

I. Maclaren Thompson, from associate professor of anatomy to professor of anatomy.

Robert O. Moody, from associate professor of anatomy to professor of anatomy.

Paul L. Kirk, from instructor in biochemistry to assistant professor of biochemistry.

Sidney J. Shipman, from assistant clinical professor of medicine to associate clinical professor of medicine.

Benjamin L. Freedlander, from instructor in medicine to assistant clinical professor of medicine.

Olive N. Ehrenclo, from assistant in medicine to instructor in medicine.

Norman N. Epstein, from instructor in dermatology to assistant clinical professor of dermatology.

Frances Torrey, from assistant in dermatology to instructor in dermatology.

John M. Graves, from assistant in dermatology to instructor in dermatology.

Francis S. Smyth, from associate professor of pediatrics to professor of pediatrics.

William A. Key, from assistant in orthopedic surgery to instructor in orthopedic surgery.

Keene O. Haldeman, from assistant in orthopedic surgery to instructor in orthopedic surgery.

Lewis F. Morrison, from instructor in otorhinolaryngology to assistant clinical professor of otorhinolaryngology.

Robert S. Stone, from assistant professor of roentgenology to associate professor of roentgenology.

Abraham Bernstein, from assistant in obstetrics and gynecology to instructor in obstetrics and gynecology.

New appointments of the rank of instructor or higher:

Sylvan L. Haas, associate clinical professor of orthopedic surgery (from March 7, 1932).

Moritz Weber, assistant professor of otorhinolaryngology.

Gordon Alles, lecturer in pharmacology.

Edward L. Munson, lecturer in preventive medicine and public health (from January 1, 1933).

Thomas D. Woodson, lecturer in psychiatry (from January 1, 1932, to May 15, 1932).

Thomas L. Long, lecturer in psychiatry (from January 1, 1932).

Verne T. Inman, instructor in anatomy.

Sabbatical leave of absence for 1932-33:

Robert O. Moody, professor of anatomy.

American Federation of Organizations for the Hard of Hearing in San Francisco.—The thirteenth annual conference of the American Federation of Organizations for the Hard of Hearing will be held at the Hotel St. Francis, San Francisco, June 20-23, 1932. This federation is composed of more than a hundred leagues for the hard of hearing, of which twenty are located in California cities. The founder and honorary president of the federation is Dr. Wendell C. Phillips of New York City, former president of the American Medical Association.

A luncheon to visiting otologists under the chairmanship of Dr. Cullen F. Welty of San Francisco will be held at the St. Francis Hotel on Monday, June 20. The scientific session of the conference will be held Wednesday morning, June 22. Following is the program:

Willing Ears—Austin A. Hayden, M. D. Discussion: Harold A. Fletcher, M. D., San Francisco; Robert C. Martin, M. D., San Francisco.

Legal Aspects—Mrs. Annette Abbott Adams, San Francisco, attorney-at-law, formerly assistant United States Attorney-General.

Hearing Aids—Isaac H. Jones, M. D., Los Angeles.

Research in Deafness—Moritz Weber, M. D., Hooper Foundation. Discussion: Karl F. Meyer, Ph. D., director, Hooper Foundation; Hermann Becks, M. D., D. D. S., assistant professor, dental pathology, Hooper Foundation.

Dr. William J. Mellinger of Santa Barbara will preside at the closing banquet of the conference, Thursday, June 23.

Western Branch of the American Urological Association.—The eighth annual meeting of the Western Branch Society of the American Urological Association will be held at Portland, Oregon, July 1 and 2.

Friday, July 1, there will be a dry clinic in the morning; luncheon at the Heathman, the official hotel; in the afternoon, papers. A banquet and entertainment at the University Club will be held in the evening.

Saturday, July 2, papers in the morning; luncheon, including the ladies. In the afternoon, a motor trip up the Columbia River Highway; and in the evening a barbecue, including the ladies, is programmed. Fishing and horseback trips will also be provided. All members of the society will be invited to attend.

American Occupational Therapy Association.—The American Occupational Therapy Association, 175 Fifth Avenue, New York, is about to issue its first annual directory of qualified occupational therapists, which will include the names of those who applied and were found qualified for admission to the national register established by the association early in 1931.

Acting on the advice of leading medical and nursing organizations, the association decided, as a first step toward the establishment of a national directory, to set up minimum standards of training, which were first promulgated in 1923. The standards were raised in 1926 and again in 1929, and the latest standards are now being met in the leading training schools recommended by the association.

Meeting of Southern California State Dental Association.—The Southern California State Dental Association will hold its thirty-fifth annual meeting in the Los Angeles Biltmore Hotel on June 13, 14, and 15, 1932.

The outstanding guest essayists on this program will be Russell L. Haden, M. D., of the Crile Clinic,

Cleveland, Ohio, and Nathan Sinai, D. P. J. M. S., of the University of Michigan.

On Monday evening, June 13, at 8 o'clock a special joint meeting of physicians and dentists will be held in the Major Theater in the Beaux Arts Building at Eighth and Beacon streets, at which time Doctor Haden will speak on "The Present Status of Dental Infection in Clinical Medicine." Doctor Sinai will address the meeting on the subject of "The Social Evolution in Medicine and Dentistry."

A cordial invitation is extended to the members of the medical fraternity to be present at this meeting as well as the sessions in the Biltmore Hotel from Monday to Wednesday.

Pasteur Society of Central California.—The last regular meeting of the Pasteur Society of Central California was held in San Francisco, May 11, 1932. About ninety members and guests attended the dinner, and the following program was presented on psittacosis, or parrot fever.

Dr. H. L. Wynns, epidemiologist of the State Department of Health, spoke on the epidemiological investigation of several cases of psittacosis in California. Dr. J. B. Luckie, vice-president of the Pasadena Hospital, gave the clinical aspects of the disease. Dr. K. F. Meyer, director of the Hooper Foundation for Medical Research, presented an address on the history of psittacosis.

MEDICO-LEGAL

OPINION OF CALIFORNIA ATTORNEY GENERAL ON CHIROPRACTORS SIGNING DEATH CERTIFICATES

Considerable interest was recently aroused by statements which appeared in the lay press that chiropractors would hereafter be permitted to sign death certificates in California.

For the information of members of the California Medical Association, this issue of CALIFORNIA AND WESTERN MEDICINE prints the opinion which Attorney-General U. S. Webb of California rendered to District Attorney Thomas Whelan of San Diego County, who brought up the subject of the rights of chiropractors to sign death certificates in California.

The opinion of Attorney General Webb follows:
San Francisco, March 25, 1932.

Honorable Thomas Whelan,
District Attorney, San Diego County,
Court House,
San Diego, California.

Dear Sir:

We have your communication of the 4th inst. in which you enclose a copy of an opinion rendered by your office to your County Health Department in the matter of the privilege of chiropractic licentiates to sign death certificates.

You point out that Section 13 of the Initiative Chiropractic Act of 1922 (Deering's General Laws, 1923, Act 4811) states that "chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and make reports as required by law to the proper authorities, and such report shall be accepted by the officers of the departments to which the same are made."

You have reached the conclusion that although the above section might appear to authorize chiropractic licentiates with no further licenses or certificates from the State of California to sign death certificates, this is not a proper construction of the law when considered in connection with other statutes of this state.

You also call attention to the fact that Section 18 of the said Initiative Act provides that nothing therein contained shall be construed as repealing the "Medical Practice Act" of June 2, 1913, or any subsequent amendments thereof, except in so far as that act, or said amendments, may conflict with the provisions of the Initiative Act as applied to persons licensed under said Initiative Act to which extent any and all acts or parts of acts in conflict therewith are repealed.

You have advised that in order to be qualified to sign death certificates, the licentiate must be a physician as defined in the Medical Practice Act of this state.

We will first take up the vital statistics registration law of California (Act 9008, Deering's General Laws, 1923), being Chapter 378 of the Statutes of 1915, as amended. This is an act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the State Bureau of Vital Statistics, etc. The State Board of Health is directed to maintain a Bureau of Vital Statistics, which shall have charge of such matters as above described. The board is required to appoint a state registrar, who shall be the director of vital statistics. The state registrar is required, under the direction of the State Board of Health, to have charge of the registration of births, deaths and marriages, and shall procure the registration of the same in each primary registration district as constituted in the act, and also have this registration in the Bureau of Vital Statistics in the State Board of Health at the capital of the state.

Section 7 describes the form of a death certificate. Among other things it is provided, in subdivision 17 of said section 7, that there must be a certification as to medical attendance on the decedent, and the "signature and address of physician or official making the medical certificate." Here we see a description of the person authorized to sign a death certificate as being either a "physician" or "official making the medical certificate." The theory of your opinion is that only a physician or such an official as, for instance, a coroner where there has been no medical attendance, can sign the death certificate. There are several other references in this vital statistics registration law to the duties of "physicians" in the premises. Of course, a chiropractor might be a physician, and also, without being a physician, might be a coroner. In other words, you have reconciled the Chiropractic Initiative Act with the General Medical Practice Act, and the Vital Statistics Registration law. You conclude that chiropractors may make such death certificates only when qualified under the provisions of the other statutes.

* * *

An examination of the Medical Practice Act of this state, and also of the Initiative Chiropractic Act, shows a very clear distinction between physicians and drugless practitioners. Section 8 of the Medical Practice Act, being General Act 4807, Deering's General Laws, 1923, gives the forms of certificates that may be issued. They are, first, physicians' and surgeons' certificates; second, a certificate authorizing the holder thereof to treat injuries, deformities or other physical or mental conditions without the use of drugs or what are known as medical preparations, and without in any manner severing or penetrating any of the tissues of human beings, etc., which certificate shall be designated "drugless practitioner's certificate," and then other forms of certificates in which we are not interested are described.

Various requirements in the act provide for considerable qualifications for an applicant for physician's and surgeon's certificate in addition to those provided for an applicant for a drugless practitioner's certificate. The preliminary educational requirements are different, and the subjects to be studied and the hours of such study in order to secure such certificates are in no way comparable.

One of the grounds for suspending the right of the holder of a certificate to practice, or of revoking his certificate, is "the use by the holder of a 'drugless practitioner's certificate' of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said 'drugless practitioner's certificate' of the tissues of any human being in the treatment of any disease, injury or deformity" etc. (Section 14, Medical Practice Act as amended Statutes 1929, page 626.)

* * *

Clearly, prior to the Chiropractic Initiative Act, a chiropractor, not being a physician, could not sign a death certificate. However, the Initiative Chiropractic Act was adopted after the above acts of the legislature. As above noted, it states in Section 13 thereof that

"chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to all matters pertaining to the public health, and shall sign death certificates and make reports as required by law to the proper authorities, and such reports shall be accepted by the officers of the departments to which the same are made."

This language would appear to be so clear as to not permit of judicial construction.

I am advised by the state registrar of vital statistics that it has been their policy to accept such death certificates so signed by chiropractors. This administrative construction of the law is entitled to certain weight. Also, there would be no power in the legislature to amend this initiative act, inasmuch as the act itself vested no such power in the legislature.

In Section 18 of the act it is particularly provided that all acts or parts of acts in conflict with the initiative act are repealed.

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This office has rendered certain opinions on the general subject matter of the Chiropractic Act. In Opinion 4943, rendered to the California State Board of Health under date of February 15, 1924, we had before us Section 3084